

Remarks

Claims 1-7, 9-15 are pending in this application and have been rejected. Claim 8 has been objected to. Claim 16 has been allowed. Claim 15 has been amended herein to correct a typographical defect.

The present invention relates to a trocar sleeve having a lock mechanism to lock the lever in various positions, *i.e.* in the extreme position and in at least one intermediate position.

Applicants would like to thank the examiner for indicating again that claim 8 would be allowable if rewritten in independent form, and subsequently allowing claim 16.


The Examiner has rejected amended claim 1 as anticipated by U.S. Patent No. 5,657,963 to Hinchliffe *et al.*

Claim one requires, among other things, a lock mechanism comprising . . . at least one intermediate position between said zero position and said second maximum stretching position. Nowhere does Hinchliffe disclose the claimed lock mechanism comprising at least one intermediate position. It is respectfully submitted that the Examiner's reliance on Fig. 20 allegedly showing intermediate position between the open and closed positions is misplaced. Nowhere does Hinchliffe show a device capable of locking the dilator into an intermediate position. In fact, the guide/slot-link guide 669 (as identified by the Examiner) is only a straight slot in the housing with no ability to bias slidable member 663 in an intermediate position. See also Column 15 which explains that toggle member 667 enables a user to manually actuate spring members 655a and 655b between the first position where dilator 628 is spaced from gasket 618 and the second position where dilator 628 engages and spreads gasket 618. Nowhere is there any mention of a locking mechanism capable of holding toggle member 667 in an inter-

mediate position which would likely be needed to counter spring bias created when a user manipulates the toggle out of the resting position. Since claim 1 requires a lock mechanism comprising . . . at least one intermediate position between said zero position and said second maximum stretching position, and no such lock mechanism is shown in Hinchliffe, claim 1 is not anticipated.

Similarly, independent claim 15, requires a lock for interlocking the spreading device in said different positions, *i.e.* zero position without stretching and spreading said sealing, a position of a maximum stretching said sealing and intermediate spreading positions being between said zero position and said maximum stretching position. Hinchliffe fails to show a lock capable of holding the spreading device in intermediate spreading positions between the zero position and the maximum stretching position. It is respectfully submitted that reliance on Fig. 20 is misplaced for reasons similar to those listed above. Accordingly, claim 15 is not anticipated by Hinchliffe. Reconsideration is urged.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Registration No. 33,558
Michael W. Krenicky, Registration No. 45,411
Attorneys for Applicants
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155